

In re:)
)
FOOTHILL/EASTERN)
TRANSPORTATION CORRIDOR AGENCY))
BOARD OF DIRECTORS HEARING.)
)

ORIGINAL**REPORTER'S TRANSCRIPT OF PROCEEDINGS****Mission Viejo, California****Thursday, January 19, 2006**

BIEHL & BELL, ET AL.
CERTIFIED SHORTHAND REPORTERS

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13 REPORTER'S TRANSCRIPT OF
14 PROCEEDINGS, taken at 200 Civic
15 Center, City Council Chambers, Mission
16 Viejo, California, beginning at 9:32
17 a.m. and ending at 9:50 a.m. on
18 Thursday, January 19, 2006, before LINDA
19 SILVER RYAN, Certified Shorthand Reporter
20 No. 9915.
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1 **APPEARANCES :**

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3 **CHAIRMAN KEN RYAN**
4 **VICE CHAIRMAN JIM THOR**
5 **DIRECTOR LARRY AGRAN**
6 **DIRECTOR JERRY AMANTE**
7 **DIRECTOR LARA ANDERSON**
8 **DIRECTOR LISA BIST**
9 **DIRECTOR BILL CAMPBELL**
10 **DIRECTOR JIM DAHL**
11 **DIRECTOR LORRI GALLOWAY**
12 **DIRECTOR PETER HERZOG**
13 **DIRECTOR LANCE MacLEAN**
14 **DIRECTOR MARK MURPHY**
15 **DIRECTOR CHRIS NORBY**
16 **DIRECTOR DAVID SWERDLIN**
17 **DIRECTOR HOLLY VEALE**
18 **EX OFFICIO MEMBER CINDY QUON**

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1 Mission Viejo, California

2 Thursday, January 19, 2006

3 9:32 a.m. - 9:40 a.m.

4
5 CHAIRMAN RYAN: Good morning, ladies and
6 gentlemen. I'd like to call the Foothill Eastern
7 Transportation Corridor Agency Board of Directors
8 meeting of January 12th to order. And if you would
9 all join -- what is the date today the 19? It says
10 the 12th. We're continuing from the 12th.

11 I'd like to ask all of you to stand and join
12 with us in pledging allegiance to our flag and
13 country, and Director MacLean has agreed to give the
14 invocation, so if you could remain standing.

15 (The Pledge of Allegiance was.
16 recited and the invocation was read.)

17 CHAIRMAN RYAN: Thank you, Director MacLean.

18 Can we have a roll call.

19 (Roll was taken.)

20 CHAIRMAN RYAN: It's been brought to my
21 attention from our legal counsel that we do have a
22 closed session item under potential anticipated
23 litigation that we need to take care of at this
24 point. So I would ask for a motion to move the
25 closed session item on the agenda.

1 DIRECTOR DAHL: So moved.

2 DIRECTOR MURPHY: Second.

3 CHAIRMAN RYAN: All in favor.

4 Okay. We're going to go into closed session
5 right to the left here for just a few minutes, and
6 we'll come back out if there is anything to report.
7 We are coming back out to continue the meeting.
8 Thank you.

9 (Closed session.)

10 CHAIRMAN RYAN: Good morning, ladies and
11 gentlemen.

12 Ladies and gentlemen, yesterday we received
13 a letter from our Secretary of California Resources
14 Agency and our Secretary of the State of California
15 for Business Transportation and Housing Agency, and
16 they requested respectfully additional time for the
17 state to review comments and concerns. Actually,
18 specifically 30 days.

19 And my sense of this board is that after
20 some 24 years of evaluation and study and thoughtful
21 consideration, this board is ready to make a decision
22 regarding the extension of the Foothill South. But I
23 also think at this juncture after all of those years
24 in the evaluation, the public comment and testimony
25 as recently as a week ago and what we expected to

1 listen to in our discussion here today, I think the
2 prudent thing to do in the spirit of cooperation with
3 our state is to grant that 30-day extension for a
4 date certain, specifically the 23rd, a Thursday, at
5 the TCA offices for our discussion and then our
6 decision on this status.

7 But I believe the high road and respecting
8 this request would be to honor that specific 30-day
9 extension from those two secretaries.

10 DIRECTOR NORBY: Mr. Chairman, I'll move this
11 meeting be continued February 23, 9:30 at TCA
12 headquarters for continued consideration and a vote
13 at that time.

14 DIRECTOR MURPHY: I'll second.

15 CHAIRMAN RYAN: Any discussion?

16 DIRECTOR HERZOG: Mr. Chairman.

17 CHAIRMAN RYAN: Director Herzog.

18 DIRECTOR HERZOG: Thank you very much,
19 Mr. Chairman.

20 Members of the board, I certainly appreciate
21 your comments and your thoughts. I have to admit I'm
22 frustrated and confused, quite frankly, to indicate
23 that an additional 30 days is something that the
24 state needs about something they've known for well
25 over 20 years.

1 The discussion of these roads started back
2 in the '70s. And, in fact, the Master Plan of
3 Arterial Highways was amended in 1981 to put this
4 road on the map. That was done obviously in a very
5 public manner, very well known. None of this has
6 been secretive in any way, shape or form. The state
7 knew about it. The state parks knew about it. And,
8 in fact, the discussion with the park, when the lease
9 was entered into in 1971, the lease contains a clause
10 indicating that there is a potential for easements of
11 roads.

12 So the state entered into a contract with
13 the Marines, who own the property, 34 years ago,
14 indicating that they knew full well, full well that a
15 road could come through. And then in 1989, when the
16 park was actually established in the Master Plan for
17 the park, the general plan actually included the
18 road, so that the state again, once again,
19 acknowledged the road, once again knew about the
20 road. Again knew about the road.

21 Then we went through an EIR process. And,
22 in fact, this organization, Foothill Eastern
23 Transportation Corridor Agency, in 1991 certified an
24 EIR. They once again had gone through a very public
25 process. Once again the state new well about it.

1 Once again, laid out the issues. And that alone was
2 14 years ago.

3 Then we started again with the collaborative
4 process. We've worked with federal resource agencies
5 who have agreed this is an appropriate alignment,
6 that this does do the balance that is needed, that it
7 is an environmentally appropriate road. The state
8 knew about this as well.

9 And we've actually had this latest
10 discussion ongoing for six years. Very intense
11 discussions, very public discussions. It's been in
12 the press. You know, there has been letters. We
13 contacted the state agencies numerous times. And, in
14 fact, they had initially wanted to talk to us, and
15 then for some reason the state parks refused to talk
16 to us. So that then essentially they cut off the
17 contact.

18 But, again, we moved forward and kept it
19 very public and very knowledgeable. And so I'm
20 puzzled as to why would over 20 years of
21 notification, there is this thing that all of a
22 sudden there is some additional time needed. There
23 has been way -- definitely a sufficient amount of
24 time. This is probably the most analyzed road that
25 will ever be built, wherever it ends up. And I find

1 it very disconcerting that basically not even 24
2 hours before this hearing, they all of a sudden
3 decide "Well, maybe we want to talk."

4 So I cannot support the additional 30 days,
5 and thank you very much for your time.

6 CHAIRMAN RYAN: Thank you, Director Herzog, for
7 your comments.

8 Director MacLean.

9 DIRECTOR MacLEAN: Thank you very much.

10 I share similar sentiments as Director
11 Herzog.

12 We are on the brink of disaster, not just
13 here in Orange County but in the state, when it comes
14 to transportation. We know this is a fact. We've
15 been polling across the state. In fact, the Governor
16 is very supportive of infrastructure improvements.
17 You can see that in his bill. The Governor is up to
18 speed on this project. He has been briefed, and he
19 is well aware of what this road can do for the
20 residents of Orange County.

21 So I share in the frustration that another
22 30-day delay is simply unacceptable. When I talked
23 to my constituents -- not just here in Mission Viejo,
24 but when you are on a regional board, you have to
25 think regionally. When I talk to them they,

1 overwhelmingly are in support. This is supported by
2 polling the TCA has done.

3 That polling has come back with 65, 70
4 percent of the residents saying "Would you just get
5 around and build it. We need this now." And I was
6 elected to represent and I need to represent what my
7 constituents are telling me, and that is to make a
8 decision and move forward with something that has
9 been studied for over 17 years, has had not one, not
10 two but three environmental impact reports. One in
11 1981, one in 1991 and this current one.

12 This is the most studied road in the history
13 of the United States. It is time, colleagues, to
14 move forward.

15 CHAIRMAN RYAN: Thank you.

16 Director Amante and then Director Dahl.

17 DIRECTOR AMANTE: Thank you. I'm going to cut
18 this short because I could echo everything Director
19 Herzog and Director MacLean have said and say it in
20 spades. Everywhere we travel, we understand we have
21 a problem with mobility. Everywhere we are in the
22 county we understand what gridlock is like. I've
23 heard plenty of people come and testify they are
24 concerned about having time with their families.

25 And certainly people have had time, years to

1 study these alternatives and know what we are doing.
2 So I'm not thrilled about a request at the eleventh
3 hour and the fifty-ninth minute for time to review
4 that which has been reviewed and studied to death.
5 This horse has been beaten.

6 But I'm going to be respectful of the fact
7 that they want to weigh in. I don't think 30 days
8 after 24 years is going to make that much difference
9 to the travelers because we're not turning dirt in
10 the next 30 days anyway.

11 However, the only reason I'm reluctantly
12 supporting this motion is because that date is a date
13 certain. On that date I expect that my colleagues
14 and I will discuss this matter, deliberate on it and
15 vote. And only because that is a date certain am I
16 willing to give a continuance. Thank you.

17 CHAIRMAN RYAN: Director Dahl.

18 DIRECTOR DAHL: Yes.

19 I'm very disappointed at the eleventh hour
20 that they would send us this letter, as if they just
21 found the EIR under a rock somewhere.

22 A good example, this morning, we had a
23 traffic accident on the freeway at J. Serra, and it
24 was three lanes northbound backed up all the way to
25 Estrella. And we've got to do something. We have to

1 do something fast, and I agree with my colleagues on
2 the fact that we shouldn't give them the 30 days, but
3 out of respect for them, we will.

4 CHAIRMAN RYAN: Thank you. Director Thor.

5 DIRECTOR THOR: Thank you, Mr. Chairman.

6 I'm very firm that I think this project
7 should move forward and move forward as expeditiously
8 as possible because everybody else has said we've
9 gone through it for a number of years, and a lot of
10 us have lived it very dearly.

11 And I'm very reluctant, reluctant to do it,
12 but I'm going to allow the 30-day continuance on
13 this. But I'm firm it's not going to change after
14 that. Respectfully, we can hopefully come to the
15 table and come to something that will give some
16 resolution, and so we can move this thing forward a
17 little smoother.

18 But it's a very difficult decision to allow
19 a continuance of any kind on this. I didn't come in
20 here to do that at all.

21 CHAIRMAN RYAN: Thank you. Any other director
22 comments? Yes, Director Anderson.

23 DIRECTOR ANDERSON: My feeling is 30 days buys
24 us a lot less time as far as, you know, possible
25 delays, legal things. You know, we want to work in

1 the spirit of cooperation here, and I don't think 30
2 days is a very big price to pay.

3 CHAIRMAN RYAN: Thank you, Director Anderson.

4 Just one last think, I know you did call the
5 question, and I spoke with Sunny McPeat (phonetic)
6 last night, and I assured her this board was ready,
7 this board has done its homework, has evaluated and
8 is ready to make a decision, and she indicated to me
9 this was something that would -- all of their
10 energies would be committed to in these next 30 days.

11 There is a call for a vote, a motion and a
12 second. We should do roll call, I suppose, at this
13 time?

14 Ms. Clerk, please.

15 THE CLERK: Chairman Ryan?

16 CHAIRMAN RYAN: Yes.

17 THE CLERK: Agran?

18 DIRECTOR AGRAN: Yes.

19 THE CLERK: Amante?

20 DIRECTOR AMANTE: Yes.

21 THE CLERK: Anderson?

22 DIRECTOR ANDERSON: Yes.

23 THE CLERK: Bist?

24 DIRECTOR BIST: Yes.

25 THE CLERK: Campbell?

1 DIRECTOR CAMPBELL: Yes.
2 THE CLERK: Dahl?
3 DIRECTOR DAHL: No.
4 THE CLERK: Galloway?
5 DIRECTOR GALLOWAY: No.
6 THE CLERK: Herzog?
7 DIRECTOR HERZOG: No.
8 THE CLERK: MacLean?
9 DIRECTOR MacLEAN: No.
10 THE CLERK: Murphy?
11 DIRECTOR MURPHY: Yes.
12 THE CLERK: Norby?
13 DIRECTOR NORBY: Yes.
14 THE CLERK: Swerdlin?
15 DIRECTOR SWERDLIN: Yes.
16 THE CLERK: Thor?
17 DIRECTOR THOR: Yes.
18 THE CLERK: Veale?
19 DIRECTOR VEALE: Yes.
20 THE CLERK: The motion passes.
21 CHAIRMAN RYAN: Thank you very much.

22 We are going to continue that item to the
23 23rd. We also have on our agenda public comments for
24 items that are not on the agenda.

25 Anyone that wants to address the board for

1 anything that is not on the agenda today? Seeing
2 none.

3 Our CEO, do you have any report for us
4 today?

5 No report.

6 Any directors have any items for us?

7 No additional closed session is needed.

8 This meeting is adjourned to the 23rd, Thursday, at
9 the TCA Board office.

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3 I, the undersigned, a Certified Shorthand
4 Reporter of the State of California, do hereby
5 certify:

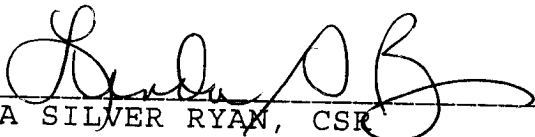
6 That the foregoing proceedings were taken before
7 me at the time and place herein set forth; that any
8 witnesses in the foregoing proceedings, prior to
9 testifying, were placed under oath; that a verbatim
10 record of the proceedings was made by me using
11 machine shorthand which was thereafter transcribed
12 under my direction; further, that the foregoing is an
13 accurate transcription thereof.

14 I further certify that I am neither financially
15 interested in the action nor a relative or employee
16 of any attorney of any of the parties.

17 IN WITNESS WHEREOF, I have this date subscribed
18 my name.

19 FEB 01 2006

20 Dated: _____

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22
23 
24 LINDA SILVER RYAN, CSR
25 CSR No. 9915

COZCOPDANOW

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Transmittal

TCA

125 Pacifica
Irvine, CA 92618

TEL: (949) 754-3475 / FAX: (949) 754-3491

DATE: February 21, 2006

TO: Board Members

FROM: Macie Cleary-Milan

FIRM: Foothill Eastern

SUBJECT: Minor Text Clarification Changes
to Jan. 12, 2006 Staff Report

CC:

REMARKS:	<input type="checkbox"/> Urgent	<input type="checkbox"/> Reply ASAP	<input checked="" type="checkbox"/> For Your Review	<input type="checkbox"/> Please Comment
<input type="checkbox"/> For Your Approval	<input type="checkbox"/> For Your Files	<input type="checkbox"/> Per Your Request	<input type="checkbox"/> Other	

Dear Board Members,

Enclosed you will find the Text for transmittal of redline Findings to Board

The January 12, 2006 staff report for the SOCTIIP action items included Attachment A, "Findings, Facts in Support of Findings and Statement of Overriding Considerations Regarding the Subsequent Environmental Impact Report for the SOCTIIP" ("Findings"). Some minor changes have been made to these Findings. Transmitted herewith for your review are two items: 1) a chart briefly explaining the changes to the Findings, and 2) a redline showing the changes (other than minor corrections of a non-substantive nature, which are not included in the redline version).

As described in the attached chart, and shown on the redline pages, the changes are clarifications, explanations and minor corrections. None of the conclusions in the January 12, 2006 Findings have changed.

Also, enclosed for your review are (11) comment letters received after the Jan. 19th Board Meeting.

Sincerely,

Macie Cleary-Milan

Macie Cleary-Milan
Deputy Director, Environmental Planning

Attachments: SOCTIIP Findings Explanation of Revisions to 12/30/05 Version
Comment letters: (11)

SOCTIIP Findings
Explanation of Revisions to 12/30/05 Version

Finding or Section of Findings	Change
1.5	Provided clarification of baseline for air quality impacts.
2.2.1, 2.2.2, 2.2.3	Clarified that Finding 3 is the only finding that is applicable to this impact. Provided text to clarify that Mitigation Measure LU-1 and PDF 2-1 do not avoid or substantially lessen the effect.
2.5.1	Clarification and provided 2006 forecast PM ₁₀ emissions for comparison.
2.7.2	Provided additional facts from Responses to Comments about restoration in Upper Chiquita Canyon Conservation Area. Provided reference to restoration ecologist for increase in habitat values in Upper Chiquita.
2.7.4	Provided reference to restoration ecologist for increase in habitat values in Upper Chiquita.
3.6.1	Clarified finding that CO impacts are less than significant. Deleted mitigation for construction (finding is for operation). Clarified that toll free analysis is informational and not the basis for finding less than significant. Clarification about federal and state standards for PM ₁₀ .
3.11.2	Referenced reduction in number of thread-leaved brodiaea plants impacted by Preferred Alternative. Added conclusion from U.S. Fish and Wildlife Service that existing and pending plans provide substantial preservation of the species. Clarified reasoning for conclusion that impacts to this plant are reduced to below a level of significance and fully mitigated.
4.4.3	Provided explanation that SAFE TEA-LU does not make the I-5 Alternative practicable. Included reference to PFM Group memorandum re financial operations and ability to fund the SR-241 extension.
4.5 (Section 4(f) Resources/Cultural)	Deleted some text that is included elsewhere. Clarified there will be no impact on continued ceremonial use of the 2 core SMAD sites.
several locations	Deleted references to Finding 2 (mitigation is responsibility of another agency). Minor corrections of a non-substantive nature.

**FINDINGS, FACTS IN SUPPORT OF FINDINGS AND
STATEMENT OF OVERRIDING CONSIDERATIONS
REGARDING THE SUBSEQUENT ENVIRONMENTAL IMPACT
REPORT FOR THE SOCTIP**

(SCH. No. 2001061046)

REDLINED TO SHOW CHANGES FROM 12/30/05 DRAFT

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on the ground in accordance with CEQA Guidelines section 15125, subdivision (a). Several different scenarios were evaluated, to inform the public and decision makers of the effects of the project over time as projected population growth occurs and as other planned transportation improvements are implemented. See, for example, Final SEIR, Section 2.4, no action special studies scenarios.

For most of the environmental topics in the Final SEIR and in these Findings, the Board finds that existing environmental conditions are the appropriate baseline condition for the purpose of determining whether an impact is significant. However, the Board finds that the existing physical environmental conditions (current population and traffic levels) do not provide a reasonable baseline for the purpose of determining whether traffic impacts of the project are significant.

The SOCTIIP traffic analysis evaluated two levels of future circulation system improvements, a funded/committed system and the build out of the Master Plan of Arterial Highways (MPAH). Impacts of the SOCTIIP were compared to the impacts that would occur under the different assumptions regarding improvements to the circulation system.

The Board finds that the traffic setting, or baseline, against which impacts should be assessed for determining the significance of traffic impacts is the buildout of the MPAH system and the 14,000 dwelling unit RMV project. This is appropriate for the following reasons. First, the existing traffic condition is an unrealistic baseline due to normal traffic growth, adopted population forecasts and adopted general plans that provide for and predict additional growth in the SOCTIIP study area during the project planning horizon.

Second, it is reasonable to compare project traffic impacts to a baseline of the MPAH buildout because: a) many of the MPAH improvements in the SOCTIIP study area are committed and/or funded, b) other MPAH improvements will be required to be implemented as part of approved development, c) the improvement to La Pata Avenue was the major relevant MPAH improvement not committed at the time of the preparation of the Draft SEIR, but the La Pata improvement is now a condition of approval of the RMV Ranch Plan, and, d) within the SOCTIIP study area, the additional MPAH improvements that are not already committed and/or funded are facilities that will have little effect on the traffic impacts of the project.

Third, it is reasonable to include the development of 14,000 units on the Rancho Mission Viejo Company property in the environmental baseline for evaluation of the significance of traffic impacts because: a) the County approved this level of development, b) the County of Orange, RMV and several environmental organizations entered into a settlement agreement that approves this level of the development on the RMV property, and c) the assumption that this level of development will occur is a more conservative approach to the identification of significant impacts and is in accord with the purposes of CEQA to provide full disclosure of potential impacts.

The air quality analysis provides a comparison of project impacts to two conditions: existing conditions and a future baseline condition with build out of the MPAH and 14,000 units on the Rancho Mission Viejo property. The Board finds that the existing physical environmental conditions (current population and traffic levels) do not provide a reasonable baseline for the

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purpose of determining whether air quality impacts of the project are significant. The reasons for this are the same reasons provided above for traffic. Because the air quality modeling is based on the traffic modeling, it is appropriate to make the same baseline comparison for air quality.

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2.0 FINDINGS REGARDING IMPACTS THAT CANNOT BE MITIGATED BELOW A LEVEL OF SIGNIFICANCE.

The following sets forth all significant effects of the Corridor, and with respect to each effect, makes one or more of the findings set forth in the Introduction above, states facts in support of such findings, and as appropriate, refers to the Statement of Overriding Considerations which is attached hereto.

2.1 Traffic.

The Final EIS/SEIR discusses long-term traffic conditions with and without the South Orange County Transportation Infrastructure Improvement Project (SOCTIIP). It also discusses potential short-term adverse impacts associated with the construction of each of the SOCTIIP build Alternatives.

The Preferred Alternative will result in short term construction-related adverse traffic impacts as discussed below. The Preferred Alternative will alleviate long-term transportation and circulation deficiencies and congestion. The Preferred Alternative's beneficial impacts are discussed in the Statement of Overriding Considerations.

2.1.1 Significant Effect: Short Term Traffic Impacts. Construction of the Preferred Alternative involves traffic related impacts that would occur temporarily during construction. These impacts are associated with trips and the movement of construction equipment and workers to and from work site(s), materials movement, and diversion of traffic from roads and freeways on which construction will be occurring. These trips would be temporary during construction and would vary depending on the local streets used for access to the construction sites, the number of trips and the time of day those trips are made.

The volume of trips could cause substantial adverse impacts on the area roads on which they occur.

A Construction Traffic Management Plan (CTMP) will be prepared and implemented during all construction related activities. Even with the CTMP, it is possible that some streets may experience substantial short-term degradation in terms of levels of service (LOS), congestion and delays. Therefore, even with mitigation, the short-term traffic adverse impacts during construction of the Preferred Alternative are assumed to be significant.

Findings. The Board hereby makes findings (1) and (3).

Facts in Support of Findings. The mitigation measures and other facts described below support the finding that, although the impact of the project has been reduced, it cannot feasibly be

Detailed figures showing impacts to land uses by each build Alternative are provided in Appendix A of the Land Use Technical Report.

2.2.1 Significant Effect: Existing Land Use – San Onofre State Beach (SOSB) Cristianitos Subunit. The Preferred Alternative extends south through the Cristianitos Subunit of SOSB. The alignment would not directly impact the San Mateo Campground, but would have an impact on the resource value of SOSB because it would introduce an urban use to an area that is semi-rural with some amount of urban development (e.g. roads, transmission facility, existing Marine housing, transmission lines) valued for its aesthetic values. The direct impacts to the Cristianitos Subunit would reduce the size of SOSB by approximately 117 ha (289 ac) to 161 ha (398 ac).

Findings. The Board hereby makes findings (1) and (3).

Facts in Support of Findings. The mitigation measures and other facts described below support the finding that, although the impact of the project ~~has been reduced~~ will be lessened, it cannot feasibly be mitigated to a level of insignificance. Measure LU-1 requires TCA to reduce impacts during final design, as feasible. This measure and Project Design Feature 2-1, do not avoid or substantially lessen the significant environmental effect. The remaining unavoidable effect is acceptable when balanced against the facts set forth in the Statement of Overriding Consideration.

- (1) **Measure LU-1. Impacts on Existing Land Uses.** Design refinements to avoid or minimize impacts to existing land uses, related to the temporary use and/or permanent acquisition of property, will be incorporated in the final design, where prudent and feasible.
- (2) Retaining walls will be provided in some locations along the alignments of the corridor Alternatives. Retaining walls can be used to minimize or reduce the amount of grading in areas with substantial topography, or to minimize or reduce right-of-way takes in developed areas. The specific locations of retaining walls will be refined in final design. (Project Design Feature 2-1.)
- (3) The Department of the Navy (DON) owns the property on which the Preferred Alternative traverses the Marine Corps Base in San Diego County. In 1988, the Marine Corps established criteria concerning the evaluation of alternatives on the Base, the most important of which was that any on-Base portion of this proposed toll road must be as closely located to the northern Base boundary as possible and it must be routed in such a manner that it does not impact the Marine Corps mission nor interfere with Camp Pendleton's operational flexibility. A section of the Preferred Alternative crosses through Camp Pendleton within the leased state park and the section meets the Marine Corps criteria.
- (4) SOSB is located entirely on lands leased from the DON; the State does not own the land. SOSB is operated by the State, pursuant to a 1971 agreement of lease (the "lease") with the United States. The California Department of Parks & Recreation (CDPR) lease with the United States is specifically subject to the

would also result in significant impacts that could not be completely mitigated or would interfere with the training mission of Camp Pendleton. The details of the alternatives and reason for selecting the Preferred Alternative are provided in Section 4.0 of these Findings.

- (14) The discussion in Final SEIR Section 4.2.3 is hereby incorporated by reference.
- (15) It is infeasible to completely avoid this significant effect, due to the economic, social and other considerations described in Section 5.0, the Statement of Overriding Considerations, incorporated by reference herein.

2.2.2 Significant Effect: Committed and Planned Development – San Onofre State Beach (SOSB) Cristianitos Subunit. The SOSB General Plan and Land Use & Facilities Map discuss and depict areas where a proposed 18-hole golf course directly west of the San Mateo Campground, primitive camps and two additional campgrounds north of San Mateo Campground are conceptually planned from the Cristianitos Subunit. The alignment of the Preferred Alternative would likely preclude the implementation of a golf course of this size in the planned location shown in the SOSB General Plan, which would be a significant land use impact.

Findings. The Board hereby makes findings (1) and (3).

Facts in Support of Findings. The mitigation measures and other facts described below support the finding that, although the impact of the project has been reduced, it cannot feasibly be mitigated to a level of insignificance. Measure LU-1 requires TCA to reduce impacts during final design, as feasible. This measure and Project Design Feature 2-1, do not avoid or substantially lessen the significant environmental effect. The remaining unavoidable effect is acceptable when balanced against the facts set forth in the Statement of Overriding Consideration.

- (1) Measure LU-1. Impacts on Existing Land Uses. Design refinements to avoid or minimize impacts to existing land uses, related to the temporary use and/or permanent acquisition of property, will be incorporated in the final design, where prudent and feasible.
- (2) There are no existing implementation plans for these facilities (golf course and campground) and the California Department of Parks and Recreation would be required to get permission from MCB Camp Pendleton to build the golf course on the leased property.
- (3) Since the time that the facilities were identified in the SOSB General Plan, TCA is not aware of any funding or focused efforts that would bring these facilities closer to implementation. In light of the state budget, which includes minimal if any funding for additional capital improvements to state parks and infrastructure, and the lack of identified funding resources to implement additional facilities on a State Park on leased land, TCA determines that these economic and implementation considerations make it infeasible to completely mitigate this impact.

- (4) There are no known committed or planned land uses on Camp Pendleton that would be affected by the Preferred Alternative.
- (5) The Preferred Alternative is a refined alignment based on the A7C-FEC-M-Initial corridor alternative. The adjustments to the A7C-FEC-M-Initial Alternative reduce the total area within the disturbance limits (including proposed roadway and other improvements, as well as construction staging areas). The reduction in the total disturbance area limits results in a somewhat reduced impact to planned land uses.
- (6) The discussion in Section 4.2.3. is hereby incorporated by reference.
- (7) Alternatives were evaluated that avoid this impact. Those alternatives were determined to be impracticable and/or determined to be infeasible because they would also result in significant impacts that could not be completely mitigated. The details of the alternatives and reason for selecting the Preferred Alternative are provided in Section 4.0 of these Findings.
- (8) It is infeasible to completely avoid this significant effect, due to the economic, social and other considerations described in Section 5.0, the Statement of Overriding Considerations, incorporated by reference herein.

2.2.3 Significant Effect. The Preferred Alternative will have adverse cumulative land use impacts on MCB Camp Pendleton by contributing to encroachment impacts on the northern part of the Base. MCB Camp Pendleton is a unique land use due to the military training conducted on the Base. The Preferred Alternative will impact the buffer that SOSB provides and create a physical barrier on the northern boundary of the Base. Although the area is leased now to the State for park use, the lease allows for military training activity to occur in this area. In addition, it is possible that in the future, when the lease expires, the land could revert to active military training area. Implementation of the proposed project would further limit the ability of MCB Camp Pendleton to make use of the area by providing a physical barrier on the northern part of base, in essence causing a reduction in the total training area or potential training area on the Base. This reduction in training area would also be considered a cumulative adverse impact on the Base because training area on the Base is already limited and continues to be further limited by environmental regulations and residential development encroachment.

Findings. The Board hereby makes findings (1) and (3).

Facts in Support of Findings. The mitigation measures and other facts described below support the finding that, although the impact of the project has been reduced, it cannot feasibly be mitigated to a level of insignificance. Measure LU-1 requires TCA to reduce impacts during final design, as feasible. This measure and Project Design Feature 2-1, do not avoid or substantially lessen the significant environmental effect. The remaining unavoidable effect is acceptable when balanced against the facts set forth in the Statement of Overriding Consideration.

- (1) Measure LU-1. Impacts on Existing Land Uses. Design refinements to avoid or minimize impacts to existing land uses, related to the temporary use and/or

areas which have been subject to a notice of non-renewal, with the remainder currently remaining in agricultural preserve status. Williamson Act contracts adjacent to the Preferred Alternative are scheduled for withdrawal between 2001 and 2008, and while some of these areas will be withdrawn from agricultural preserves prior to construction, a substantial part of the property will remain in agricultural preserves. The Preferred Alternative would traverse an area of 24.48 ha (60.46 ac) noticed for non-renewal in 2008, and thereby would only adversely impact areas in agricultural preserves by removing land (if grading starts before the non-renewal goes into effect in 2008).

Findings. The Board hereby makes findings (1), (2) and (3).

Facts in Support of Findings. The mitigation measures and other facts described below support the finding that, although the impact of the project has been reduced, it cannot feasibly be mitigated to a level of insignificance. The remaining unavoidable effect is acceptable when balanced against the facts set forth in the Statement of Overriding Consideration.

- (1) Measure AG-1. Existing Operations on RMV. During final design, and in coordination with RMV and its agricultural leaseholders, the contractor will finalize the realignments of access roads on the ranch to provide cattle and equipment crossings to minimize impediments to cattle movement and routine agricultural operations and normal business activities.
- (2) Measure AG-2. Existing Operations on RMV. Prior to the start of any construction activities, any corrals and/or windmills within the disturbance limits of a SOCTIP build Alternative will be relocated or replaced. In the event that the RMV or the leaseholder does not want the facility relocated, appropriate compensation for the facility will be provided.
- (3) Commitment AGC-1. Existing Operations on RMV. Prior to the start of any construction activity, written notification will be provided to agricultural property owners or leaseholders immediately adjacent to the disturbance limits for the SOCTIP build Alternative. The notification is to indicate the intent to begin construction, including an estimated date for the start of construction. This notification shall be provided at least three, but no more than 12, months prior to the start of construction activity.
- (4) The discussion in Section 4.3.3.2 of the Final SEIR is hereby incorporated by reference.
- (5) The decision to develop agricultural land is driven by economic factors that must be weighed by the landowner and/or developer. Notwithstanding the financial incentives of Williamson Act agreements, there exists no policy in the County of Orange General Plan or zoning that would discourage the conversion of the land from agricultural uses to more intense urban uses. And, there are no policies that require preservation of agricultural areas.
- (6) The Ranch Plan General Plan Amendment has been approved, providing a combination of development and open space for RMV. Additionally, the

2.3.2 Significant Effect: NRCS Resources on MCB Camp Pendleton. The Final SEIR shows in Tables 4.3-1 and 4.3-2 that the Preferred Alternative would result in the loss of approximately 2.9 ha (7.1 ac) of Farmland of Statewide Importance on MCB-Pendleton. Also, due to an alignment shift, the Preferred Alternative would affect an additional 1 ha (2.57 ac) of rated agricultural land on MCB Camp Pendleton. This represents approximately 0.04 percent of farmland in the SOCTIP study area. Based on the quality of these soil resources as defined by the NRCS, the Preferred Alternative would adversely impact farmlands.

Findings. The Board hereby makes findings (1), (2) and (3).

Facts in Support of Findings. The mitigation measures and other facts described below support the finding that, although the impact of the project has been reduced, it cannot feasibly be mitigated to a level of insignificance. The remaining unavoidable effect is acceptable when balanced against the facts set forth in the Statement of Overriding Consideration.

- (1) The Caltrans CIA Guidelines suggest that certain design measures can potentially reduce the total acreage of impacts to agricultural resources. These include minimizing shoulder width using concrete median barriers instead of wider medians. Additional types of design exceptions or modifications are generally not refined until final design. It is anticipated that design refinements would be incorporated as feasible without affecting the safety or operation of the road, to avoid or minimize impacts on resources, including agricultural resources. Mitigation Measure LU-1 implements this Caltrans Guideline.
- (2) The typical standard for lost resources is replacement. However, with agricultural land, replacement is difficult and very expensive. In Orange County, the cost alone would make replacement as a mitigation measure impractical, as market conditions for land continue to heavily favor development over agricultural uses.
- (3) The agricultural land that will be lost due to the Preferred Alternative within Camp Pendleton is land that is leased by Camp Pendleton for farming uses. TCA has determined that mitigation through agricultural preservation or an easement is not feasible for the reasons described above and for the following reasons.
 - First, the acreage impacted within Camp Pendleton is very small, approximately 10 acres for the Preferred Alternative. The Farmland Conversion Form in Appendix E shows the average farm size as 167 acres. There is no established agricultural easement program on Camp Pendleton because the land is controlled by the United States. Therefore, there is no mechanism by which TCA can add on to an existing program to assist in creating or preserving a larger farm parcel within Camp Pendleton. Due to the large size of Camp Pendleton, there are no private lands available for farming, other than the Rancho Mission Viejo Company property discussed above) for several miles.
 - Secondly, as described above and based on the U.S. ownership of Camp Pendleton and the committed land uses in south Orange County, no parcels

- Develop a traffic plan to minimize traffic flow interference from construction activities (the plan may include advance public notice of routing, use of public transportation and satellite parking areas with a shuttle service).
 - Include in construction grading plans a statement that work crews shut off equipment when not in use.
 - Support and encourage ridesharing and transit incentives for the construction crew.
- (6) ~~For the SOCTIP build Alternatives, the~~ The peak construction PM₁₀ emissions (727—2,615 pounds per day) are minor compared to the total average annual of 416 tons per day (~~832882,000~~ 832,882,000 pounds per day) of particulate matter currently released in the whole SCAB (2000) and forecast to be 908,000 pounds per day for 2006. The PM₁₀ emissions from the Preferred Alternative would only be approximately 1000 pounds per day. §2.5.1
- (7) The criteria SCAQMD are intended to be set at the lowest levels for which air quality impacts may occur. The fact that the project is projected to exceed the criteria implies that there will be increases in the concentrations of these pollutants that would be measurable. For example, the state PM₁₀ standards are exceeded in the study area, and slight increases in the concentrations of PM₁₀ may occur. The federal PM₁₀ standard is not exceeded in the area, and it is not anticipated that the quantities of pollutants released would be so great as to cause a violation of the federal standards. The increases would be local to the construction activities and would be temporary.
- (8) SCAQMD and SCAG, in coordination with local governments and the private sector, have developed the Air Quality Management Plan (AQMP) for the SCAB. The overall control strategy for the AQMP is to meet applicable state and federal requirements and to demonstrate attainment with the ambient air quality standards (AAQS).
- (9) The SOCTIP alternatives were evaluated to determine whether they would meet conformity requirements in the State Implementation Plan. FHWA projects must be found to conform before they are adopted, accepted, approved or funded. Transportation projects must conform to the following criteria established in the CAA Section 176(c)(2)(C): They must come from a conforming transportation plan and TIP. The Preferred Alternative is consistent with the RTIP.
- (10) It is not feasible to reduce the construction emissions below the significance thresholds. All mitigation measures suggested by commentors have been considered and, when reasonable and feasible, have been added to the list of mitigation measures. To reduce emissions simply by reducing the rate of grading/construction is not reasonable. This approach could extend the construction period to several years, which would have other impacts. Similar results would occur for all Alternative, except the No Action Alternative.

- (4) Measure TE-25 previously listed, also mitigates this impact.
- (5) Measure TE-27 previously listed, also mitigates for this impact (to floodplain sage scrub).
- (6) This loss would not preclude the ability of the southern subregion to conserve this species in the subregion because approximately 99.2 percent of the recorded occurrence within the southern subregion would remain after completion of the alignment.
- (7) The limited acreage of critical habitat and low number of gnatcatcher locations affected by the project indicate that there will be similarly minimal effect on those habitat components that are essential for the primary biological needs of the species, including foraging, nesting, rearing of young, intra-specific communication, roosting, dispersal, genetic exchange, or sheltering.
- (8) The Preferred Alternative alignment includes wildlife bridges and culverts which serve to maintain linkages within and between the critical habitat units. As detailed in mitigation measure WV-15, the location of the proposed wildlife bridges and culverts will provide adequate travel capabilities, contain adequate vegetation cover, have adequate daylight, and have appropriate fencing to encourage animals to use these underpasses. The bridges, arch culverts, and box culverts that provide for wildlife undercrossings have been incorporated into the project design at locations that are consistent with the linkages identified in the NCCP/HCP guidelines.
- (9) As described in Response to Comment 021-258, the Mitigation Bank Agreement for the Upper Chiquita Canyon Conservation Area/Mitigation Bank ("Chiquita Preserve") authorizes the TCA to conduct restoration activities to create additional habitat.

The area currently supports the following four different plant communities: annual grasslands, coastal sage scrub, oak woodlands and perennial grasslands. Some of the areas are ecotones that transition from annual grasslands to coastal sage scrub. Degraded or low-quality habitat areas that have potential for restoration or enhancement include areas dominated by ruderal vegetation or non-native grassland, as well as native habitats with a high-percent cover of invasive, non-native species. Degraded or low-quality habitat areas that have potential for restoration or enhancement include areas dominated by ruderal vegetation or non-native grassland, as well as native habitats with a high-percent cover of invasive, non-native species.

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The TCA is currently working with the USFWS to determine the extent to which additional credits could be developed. Under the Bank Agreement, the TCA must apply to the USFWS and the CDFG for additional credits and must provide a restoration plan for approval by those agencies. FHWA/TCA are currently

consulting with USFWS and CDFG on the appropriate utilization of the credits and specific areas and sizes of restoration activities.

- (10) With the Preferred Alternative in place, there will be no net loss of habitat value for the California gnatcatcher. The chart below summarizes the net habitat value gains and losses relative to the gnatcatcher and its coastal sage scrub habitat based on an evaluation of the Chiquita Preserve by a restoration ecologist.

California Gnatcatcher
SOCTIIP A7C-FEC-M
Habitat Values

A7C-FEC-M impacts to coastal sage scrub	- 385 acres
A7C-FEC-M impacts to gnatcatcher use areas	- 15 use areas
Chiquita Conservation - Existing	+ 327 credits (occupied)
Chiquita Restoration - Proposed	+241 credits
Chiquita bird locations - Existing	+31 locations
Chiquita bird locations - estimated for restoration	+12 locations

As shown, habitat values will be increased with the Preferred Alternative.

- (11) Indirect impacts will be avoided through the hydrology and runoff system and measures such as lighting design to avoid light spillage.
- (12) It is infeasible to completely avoid this significant effect, due to the economic, social and other considerations described in Section 5.0, the Statement of Overriding Considerations, incorporated by reference herein.

2.7.3 Significant Effect. Long Term Impacts to the Arroyo Toad. Indirect and direct impacts to occupied drainages (San Juan, San Mateo, San Onofre, and Cristianitos creeks) that are known to or are likely to support arroyo toad would represent a significant adverse impact to the species. Although dependent on water to breed, this species is known to wander into adjacent upland habitats far from water where it may forage and burrow, and has been found to occur in upland habitats over 500 m (1,640 ft) from Cristianitos Creek. Road mortality represents a larger impact for this species than many other threatened or endangered species, due to the propensity of the arroyo toad to use the uplands and attempt to cross the project. It is anticipated that for the Preferred Alternative, the long-term indirect and direct impacts associated with the alignments would have significant and adverse effects on the species even after mitigation.

Findings. The Board hereby makes findings (1) and (3).

Facts in Support of Findings. The mitigation measures and other facts below support the finding that, although the identified impact has been reduced or avoided to the extent feasible, it cannot feasibly be mitigated to a level of insignificance.

2.7.4 Significant Effect. Cumulative Impacts to Threatened and Endangered Species.

California Gnatcatcher. The Preferred Alternative will have a direct impact on the California gnatcatcher. A number of the cumulative projects will also have impacts on the California gnatcatcher, including RMV, Whispering Hills, Coastal Ranch, Pacific Point/San Juan Meadows, and Marblehead Coastal developments. Therefore, a cumulative adverse impact to the California gnatcatcher would result from implementation of the Preferred Alternative and planned or future projects in south Orange County (56 pairs and 19 individuals). In conjunction with past, present and reasonably foreseeable future projects, the Preferred Alternative would have adverse cumulative effects.

Findings. The Board hereby makes findings (1) and (3).

Facts in Support of Findings. The mitigation measures and other facts below support the finding that, although the identified impact has been reduced or avoided to the extent feasible, it cannot feasibly be mitigated to below a level of insignificance.

- (1) Implementation of Mitigation Measures TE-1 through TE-12, TE-14 through TE-19, and TE- 23 through TE-29, all previously listed, will minimize impacts to threatened and endangered species.
- (2) The contribution to cumulative loss would not preclude the ability of the southern subregion to conserve this species in the subregion because approximately 99.2 percent of the recorded occurrences within the southern subregion would remain after completion of the alignment.
- (3) The limited acreage of critical habitat and low number of gnatcatcher locations affected by the Preferred Alternative indicate that there will be similarly minimal effect on those habitat components that are essential for the primary biological needs of the species, including foraging, nesting, rearing of young, intra-specific communication, roosting, dispersal, genetic exchange, or sheltering.
- (4) The Preferred Alternative alignment includes wildlife bridges and culverts which serve to maintain linkages within and between the critical habitat units. As detailed in mitigation measure WV-15, the location of the proposed wildlife bridges and culverts will provide adequate travel capabilities, contain adequate vegetation cover, have adequate daylight, and have appropriate fencing to encourage animals to use these underpasses. The bridges, arch culverts, and box culverts that provide for wildlife undercrossings have been incorporated into the project design at locations that are consistent with the linkages identified in the NCCP/HCP guidelines.
- (5) With the Preferred Alternative in place, there will be no net loss of habitat value for the California gnatcatcher. The chart below summarizes the net habitat value gains and losses relative to the gnatcatcher and its coastal sage scrub habitat based on an evaluation of the Chiquita Preserve by a restoration ecologist.

- (7) It is infeasible to completely avoid this significant effect, due to the economic, social and other considerations described in Section 5.0, the Statement of Overriding Considerations, incorporated by reference herein.

2.11 Mineral Resources.

2.11.1 Significant Effect. The Preferred Alternative crosses San Juan Creek, and may pose slight limitations on future mining of sand and gravel deposits in the project vicinity. The minor impacts of the Preferred Alternative related to sand and gravel resources, combined with the adverse impacts of the Arroyo Trabuco Golf Course and the potential impacts of the Ranch Plan on sand and gravel resources on RMV, would be a cumulative significant effect on mineral resources in the SOCTIP study area.

Findings. The Board hereby makes findings (1) and (3).

Facts in Support of Findings. The mitigation measures and other facts described below support the finding that, although the impact of the project has been reduced, it cannot feasibly be mitigated to a level of insignificance. The remaining unavoidable effect is acceptable when balanced against the facts set forth in the Statement of Overriding Consideration.

- (1) **Measure SE-2. Property Acquisition and Relocation Assistance.** Prior to acquisition of right of way, the TCA will comply with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 in the acquisition of all property within the right-of-way necessary for the proposed project. All displaced households and businesses will be contacted to ensure that each eligible displacee receives their full relocation benefits, including advisory assistance, and that all activities will be conducted in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. Relocation resources will be available to all eligible displaced persons or businesses without discrimination. TCA will also comply with the Public Park Preservation Act as applicable.
- (2) It is infeasible to completely avoid this significant effect, due to the economic, social and other considerations described in Section 5.0, the Statement of Overriding Considerations, incorporated by reference herein.

2.12 Recreation Resources.

2.12.1 Significant Effect. The Donna O'Neill Land Conservancy will be significantly impacted by the construction and operation of the Preferred Alternative. Due to the location of the Conservancy, in relation to the Preferred Alternative alignment, short term construction-related air quality impacts will be significant and long term visual impacts to the Conservancy will be significant because the corridor divides the Conservancy and would require the removal of substantial amounts of vegetation and alteration of the ridges with cut and fill.

Findings. The Board hereby makes findings (1), ~~(2)~~ and (3).

Finding. The Board hereby makes ~~finding (1)~~ concludes that CO impacts are less than significant.

Facts in Support of Finding. The following facts ~~or mitigation measures~~ indicate that this potential impact is not significant, ~~or will be mitigated below a level of significance.~~

- (1) ~~Measure AQ 1.~~ During construction, contractor specifications shall incorporate directions to contractors to control fugitive dust. Fugitive dust shall be controlled by regular watering, paving construction roads, or other dust preventive measures, as defined in SCAQMD Rule 403.

After clearing, grading, earth moving or excavation the following activities will be performed by the construction contractor:

- a. ~~Seeding and watering will be performed until viable vegetation cover is in place in inactive areas.~~
- b. ~~Soil binders will be spread.~~
- c. ~~Areas will be wet down sufficiently to form a crust on the surface. Repeated soakings will be performed as necessary to maintain this crust.~~
- d. ~~Reduce speeds to 10 to 15 mph in construction zones on unpaved areas.~~

- (2) ~~Measure AQ 2.~~ During construction, measures contained in Tables 1 and 2 of SCAQMD Rule 403 will be implemented by the construction contractor. Control of particulate emissions from construction activities is best controlled through the requirements contained in SCAQMD's Rule 403, Tables 1 and 2. Tables 1 and 2 are reproduced here as Figures 4.7-5, 4.7-6 and 4.7-7. The measures contained in these tables are presented as an option to air quality monitoring in Rule 403. Figure 4.7-5 contains measures such as maintaining an adequate moisture content in the soil, watering grading areas, establishing ground cover in inactive areas and watering unpaved roads. Figures 4.7-6 and 4.7-7 identify additional measures that are applied during high wind conditions. The mitigation measure, therefore, is to require that the measures contained in Tables 1 and 2 of Rule 403 be utilized. This potentially results in a much higher reduction of particulate emissions than if the air monitoring option contained in Rule 403 was employed. The air monitoring option requires monitoring around the project site, and as long as pollutant levels do not exceed threshold limits, no pollutant emission reduction measures are employed. The measure would be triggered prior to the initiation of grading.

- (3) ~~Measure AQ 3.~~ During construction, the contractor shall be responsible for sweeping all public streets adjacent to the project site once a day if visible soil materials are carried to adjacent streets (recommend water sweepers with reclaimed water). This condition would apply to those areas where construction traffic leaves the project site and travels onto public roadways.

§ 3.6.1

- (4) ~~Measure AQ 4. During construction, the contractor shall be responsible for installing wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash trucks and any equipment leaving the site each trip.~~
- (5) ~~Measure AQ 5. During final design, contractor specifications shall require that contractors implement the following measures:~~
- ~~☐ Use low emission mobile construction equipment.~~
 - ~~☐ Maintain construction equipment engines by keeping them tuned.~~
 - ~~☐ Use low sulfur fuel for stationary construction equipment. This is required by SCAQMD Rules 431.1 and 431.2.~~
 - ~~☐ Utilize existing power sources (i.e., power poles) when feasible. This measure would minimize the use of higher polluting gas or diesel generators.~~
 - ~~☐ Configure construction parking to minimize traffic interference.~~
 - ~~☐ Minimize obstruction of through traffic lanes. When feasible, construction should be planned so that lane closures on existing streets are kept to a minimum.~~
 - ~~☐ Schedule construction operations affecting traffic for off peak hours.~~
 - ~~☐ Develop a traffic plan to minimize traffic flow interference from construction activities (the plan may include advance public notice of routing, use of public transportation and satellite parking areas with a shuttle service).~~
 - ~~☐ Include in construction grading plans a statement that work crews shut off equipment when not in use.~~
 - ~~☐ Support and encourage ridesharing and transit incentives for the construction crew.~~
- (6) ~~Measure AQ 6. During construction, any material deposited onto paved roads due to a major storm event must be removed within 72 hours of the event by the contractor. Additional time is allowed for mudslides or similar events that block traffic over the material. In the event of road closures due to mudslides or other overwhelming accumulations of material, public access should be restricted until all the material is removed.~~
- (7) ~~Measure AQ 7. During construction, the contractor shall be responsible for implementing a control measure which specifies three "preventive" and one "mitigative" control option(s) that would be mandatory of all unpaved road connections with paved public roads. The four mandatory control options include:~~
- ~~☐ Paving the last 100 feet from an unpaved roadway connection with a paved road.~~

~~□ Chemical stabilization of the last 100 feet from an unpaved roadway connection with a paved road at sufficient frequency and concentration to maintain a stabilized surface at all times.~~

~~□ Installation of dirt removal devices (e.g., tire cleaning device, grizzlies, etc.).~~

~~□ Cleaning of public paved road surface at any time visible track out occurs.~~

(18) ~~The facts in this section include the Preferred Alternative because CO concentrations for the Preferred that a~~ Alternative would be the same as CO concentrations for the A7C-FEC-M-Initial Alternative. The results of the CO modeling are summarized in Table 4.7-49 for 1-hour and 8-hour concentrations for CO. For the CO concentration levels, the pollutant levels are projected to comply with the state and federal CO AAQS for both 1-hour and 8-hour time frames at all receptor locations.

(29) The 2025 No Action Alternative CO concentration levels are slightly higher than the 2025 Preferred Alternative CO concentration levels. This is a result of the higher amount of traffic and slightly worse congestion level associated with the 2025 No Action Alternative. The 2025 Preferred Alternative shows overall improvement in CO concentration levels when compared to the 2025 No Action Alternative. That is, lower CO levels will result at most of these intersections. This is due to lower peak hour traffic and reduced congestion level associated with the Preferred Alternative.

(310) Tolls will remain in place until bonds are paid off, and most likely tolls would be in place beyond 2025. To assess this future toll free condition, the EIR also includes ~~The~~ the CO concentration levels for the 2025 Preferred Alternative toll-free with and without the project, ~~were assessed and the~~ The results are presented in Table 4.7-51. The CO concentration levels for 2025 Preferred Alternative toll-free are the lowest while the 2025 No Action Alternative levels are the highest. The 2025 Preferred Alternative toll-free shows an overall improvement when compared to 2025 No Action Alternative. This is indicative of the better local traffic conditions associated with the 2025 Preferred Alternative toll-free, and in contrast to the 2025 No Action Alternative CO concentration levels, which are the highest and represents the worst case Alternative.

3.6.2 Potential Effect. Operation of the Corridor could have an impact on air quality relative the PM₁₀ emissions because projects that increase the Vehicle Miles Traveled (VMT) result in increased tailpipe emissions; tire wear emissions, and paved road dust, also referred to as re-entrained particulate matter. These impact are considered less than significant based on the facts stated below.

Finding. The Board hereby makes findings (1).

Facts in Support of Finding. The following facts or mitigation measures indicate that this potential impact is not significant, or will be mitigated below a level of significance.

- (1) Measures AQ-1, AQ-2, AQ-3, AQ-4, AQ-5, AQ-6 and AQ-7 are hereby incorporated by reference.
- (2) VMT-related emissions of PM₁₀ are generally spread out along the entire roadway network and not concentrated in any one area. Hot spots or high levels of local pollutant concentrations generally occur at congested intersections, where a large number of vehicles may sit and idle or move slowly, resulting in a larger amount of emissions being released within a small area. Therefore, to reduce the severity of hot spot conditions it is important to reduce the level of congestion, particularly on the arterial roadway network, which the Preferred Alternative will do.
- (3) The Preferred Alternative would result in a very small increase in regional VMT (i.e., 14,981 vehicle miles per day in comparison to the 421,712,541 miles projected for the region). The arterial roadway traffic will decrease substantially more (i.e., 386,398 miles per day). The effect of reducing traffic on the arterial roadway network will be more than 25 times as great as the overall regional traffic increase. More importantly, traffic will be removed from the arterial roadway intersections where congestion leads to PM₁₀ hot spots. Therefore, the qualitative analysis for PM₁₀ indicates that the Preferred Alternative would provide a reduction in the number and severity of PM₁₀ hot spots.
- (4) The PM₁₀ levels for the Preferred Alternative will comply with the federal PM₁₀ Ambient Air Quality Standards (AAQS) of 150 ug/m³. See *Air Quality Technical Report* Table 5-22. Although future PM₁₀ concentrations will exceed the state AAQS, this is due to the high background concentrations that already exceed the state AAQS. As a result, the PM₁₀ concentration levels are projected to consistently exceed the state AAQS in future years, with or without the project.

3.6.3 Potential Effect. The operation of the Corridor could have air quality impacts relative to toxic air contaminants because in 1998 the California Air Resources Board (ARB) identified particulate matter from diesel-fueled engines (Diesel Particulate Matter or DPM) as a Toxic Air Contaminant (TAC). As a part of the identification process, the ARB's Office of Environmental Health Hazard Assessment (OEHHA) evaluated the potential for DPM to affect human health. The OEHHA found that exposures to DPM resulted in an increased risk of cancer and an increase in chronic non-cancer health effects. DPM is one of several airborne TACs that could be increased with implementation of the Corridor. DPM impacts are considered less than significant based on the fact stated below.

Finding. The Board hereby makes findings (1).

Facts in Support of Finding. The following facts or mitigation measures indicate that this potential impact is not significant, or will be mitigated below a level of significance.

- (1) The Preferred Alternative will not result in a significant adverse impact related to increased cancer risks as a result of increased DPM exposure along the northern portion of the Preferred Alternative. Table 7.8-2F shows that cancer risks are projected to exceed the cancer risk significance threshold of 10 per million

- (4) Attachment 10 to the Response to Comments demonstrates the consistency of the Preferred Alternative with the NCCP planning principles, and is incorporated by reference.

3.11.2 Potential Effect. Short Term Impacts to the Thread-Leaved Brodiaea. Direct impacts to thread-leaved brodiaea may occur. ~~The species is not widespread in California, and (2) the species distribution in Orange County is not well documented, and the plants within the impact area represent a substantial portion of the regional population.~~ Mitigation for impacts to this species is provided through seed collection, the translocation of plants to suitable protected restoration sites and the monitoring of such translocated populations. Although it is acknowledged that the successful performance of these translocated plants is not guaranteed and very little is currently known about the ability to successfully transplant such species the mitigation includes monitoring and a requirement for percentage emergence, which ensures that impacts will be completely mitigated.

Findings. The Board hereby makes finding (1).

Facts in Support of Findings. The following mitigation measures and other facts described below support the finding that the potential impact has been reduced to below a level of significance.

- (1) **Measure TE-1.** Prior to construction, the TCA shall designate a Project Biologist responsible for overseeing biological monitoring, regulatory compliance, and restoration activities associated with construction of the selected alternative in accordance with the adopted mitigation measures and applicable law.
- (2) **Measure TE-2.** During final design of the project, the Project Biologist shall review the design plans and make recommendations for avoidance and minimization of sensitive biological resources. TCA Environmental and Engineering Staff shall determine the implementation of those recommendations.
- (3) **Measure TE-3.** A Biological Resources Management Plan (BRMP) shall be prepared prior to construction. The BRMP shall provide specific design and implementation features of the biological resources mitigation measures outlined in the resource agency approval documents. Issues to be discussed in the BRMP shall include, but are not limited to, resource avoidance, minimization, and restoration guidelines, performance standards, maintenance criteria, and monitoring requirements. The Draft BRMP shall be submitted to the USFWS, NMFS, CDFG, USACOE, RWQCB, FHWA, and Caltrans for review to the extent required by permit by such agencies.

The primary goals of the BRMP are to ensure (1) the long-term perpetuation of the existing diversity of habitats in the project area and adjacent urban interface zones and minimize offsite or indirect effects; (2) that the project is not likely to jeopardize the continued existence of any federally listed or state-listed endangered or threatened species; and (3) impacts to endangered and threatened species are minimized and mitigated to the maximum extent practicable. The

ha (9,403 ac) proposed for designation, an extremely small area. The limited acreage of critical habitat and low number of locations affected by the Preferred Alternative indicate that there will be only minimal effects on the primary constituent elements of the critical habitat.

- (9) The Preferred Alternative is expected to result in no net loss of habitat value for the thread-leaved brodiaea. The net habitat value equation takes into consideration habitat gains (through preservation/relocation) and loss (project impacts).

- (10) With regard to overall species distribution and status, on December 13, 2005, the U.S. Fish and Wildlife Service "Service" published the Final Rule on Designation of Critical Habitat for thread-leaved brodiaea ("Final Rule") (70 Fed. Reg. 73820-73863). In the Final Rule, the Service determined that the Ranch Plan Settlement Agreement and the pending Southern Subregion NCCP/HCP significantly conserve the species. As explained in the Final Rule, the Settlement Agreement and status of the HCP/EIS provide reasonable assurance that the NCCP/HCP will be completed. For these reasons, the Final Rule excluded critical habitat for the thread-leaved brodiaea in the Southern Subregion NCCP/HCP area. The Service also determined that Camp Pendleton was exempt from the critical habitat designation because of its Integrated Natural Resource Management Plan (INRMP) and the benefits that plan provides to the species.

§3.11.2

The Final Rule concluded that the Settlement Agreement and the pending Orange County Southern Subregion NCCP/HCP "provide special management and protection for the physical and biological features essential for the conservation of" the species. (70 Fed. Reg. 73845). Conservation in the Settlement Agreement assures preservation of significant occurrences of the plant, and there will also be long-term funding for management and oversight of open space areas. (70 Fed. Reg. 73847). This conservation, combined with protection of areas within Casper's Wilderness Park protects major occurrences of the plant that were previously identified in the proposed rule. Thus, the Service has reviewed the species distribution and number of plants and determined that existing and pending plans provide substantial preservation of the species. The project will affect only a small portion of the proposed critical habitat in Subunits 4g and 4h, and will not substantially reduce the habitat components that are essential for the primary biological needs of the species. Under the proposed designation of critical habitat, fewer than 26,87 ha (66.39 ac) out of 3,805 ha (9,403 ac) proposed for designation will be affected. This reduction in available acreage is unlikely to affect the biological needs of the species. The plant can be relocated and preserved in the Upper Chiquita Canyon Conservation Area and other areas in which development impacts will be mitigated. With implementation of the mitigation measures, there will be a net increase in primary constituent elements of the thread-leaved brodiaea.

- (11) The number of plants potentially impacted by the project has been reduced from the impacts described in the Draft EIR. Subsequent to circulation of the Draft

EIS/SEIR, refinements were made to the Preferred Alternative. The population, or, group of plants, that will be impacted has been reduced to 3, and the count of individual plants impacted has been reduced to 16.

- (12) Relative to mitigation for these impacts, which involves translocation, and the success of the mitigation, TCA evaluated this issue again with a relocation specialist. In addition, the mitigation measure was expanded as part of the Response to Comments, and the measure now ties the success criteria to a determination by the Project Biologist in consultation with botanists and USFWS (Service) staff with recent experience in brodiaea transplantation methodologies in the region. TCA has determined that because of the reduction in the number of plants impacted, the change in relocation success criteria to reflect USFWS input and the commitment to completely mitigating all impacts to this species, the impacts to the thread-leaved brodiaea will be reduced to below a level of significance and will be fully mitigated.

3.11.3 Potential Effect. Short-Term Impacts to Other Listed Species.

San Diego Fairy Shrimp. The San Diego fairy shrimp will not be directly impacted. None of the vernal pools that support fairy shrimp would be directly affected. Site design considerations have been implemented to avoid any indirect impacts to this species. Therefore, there will be no significant impacts to the San Diego fairy shrimp.

Riverside Fairy Shrimp. The Riverside fairy shrimp will not be directed impacted by implementation of any of the SOCTIP Alternatives. None of the vernal pools that support fairy shrimp would be directly affected by any of the alternatives. Site design considerations have been implemented to avoid any indirect impacts to this species. Therefore, there will be no significant impacts to the Riverside fairy shrimp.

Tidewater Goby. Due to the complexity and dynamic nature of their aquatic ecosystems and its susceptibility to perturbation by a number of direct effects, any impacts to drainages that would result in changes to water quality/chemistry, flow patterns/velocity/water temperature, turbidity, etc. occupied by the tidewater goby (San Mateo and San Onofre Creeks and San Mateo Lagoon) by the FEC and A7C (including the Preferred) corridors would represent a significant adverse impact to this species. However, because these creeks would be spanned with bridges and, assuming that other mitigation/minimization measures concerning erosion and water quality are adhered to, it is anticipated that impacts to the tidewater goby would be less than significant following mitigation.

Southern Steelhead Trout. Due to the complexity and dynamic nature of their aquatic ecosystems and its susceptibility to perturbation by a number of direct effects, any direct impacts to drainages that would result in changes to water quality/chemistry, flow patterns/velocity/water temperature, turbidity, etc. occupied by the southern steelhead trout (San Mateo and San Onofre Creeks and San Mateo Lagoon) by the FEC and A7C (including the Preferred) corridors would represent a significant adverse impact to this species. However, because these creeks would be spanned with bridges and, assuming that other mitigation/minimization measures concerning erosion and water quality are adhered to, it is

alternatives (AIO and I-5 Alternatives), which propose improvements to existing/MPAH facilities in the study area and do not entail building a new corridor.

The Collaborative also considered several other groups of alternatives: alternative alignment segments, I-5 alternatives, arterial improvement alternatives, and combination alternatives. The Collaborative determined that none of these alternatives warranted further evaluation in the EIS/SEIR. See the Project Alternatives Technical Report, section 5.7, for further details on these alternatives and the reasons they were not carried forward.

4.4.2 Process for Identification of the Environmentally Superior Alternative (Preferred Alternative).

Selection of the Environmentally Superior Alternative (Preferred Alternative) represents a coordinated, balanced approach to minimizing harm to both the natural and built environments.

The Draft EIS/SEIR included a comprehensive evaluation of six corridor build alternatives, two non-corridor build alternatives (the AIO and I-5), and two no build alternatives. A full analysis of the alternatives is provided in Section 4 of the Final EIR, which is incorporated by reference. After release of the Draft EIS/SEIR and review of the comments received on the Draft EIS/SEIR, the SOCTIP Collaborative began a multidimensional evaluation of the alternatives in order to identify a Least Environmentally Damaging Practicable Alternative (LEDPA) as required for the Clean Water Act section 404 permit. Using Table ES.6-1 and other information in the Draft EIS/SEIR, the Collaborative prepared a comprehensive matrix to assist in evaluating the alternatives using several parameters including: traffic conditions, air quality, aquatic resources (including compliance with Section 404 of the Clean Water Act/California Department of Fish and Game [CDFG] Streambed Alteration Program), water quality, endangered species impacts (including compliance with Section 7 of the Endangered Species Act [ESA]), socioeconomic impacts, land use impacts, military impacts on Marine Corps Base (MCB) Camp Pendleton, earth resources, cultural and historic resources, recreational resources, and project costs. The Collaborative used this multilayer process to determine which alternatives were likely to qualify as the LEDPA. For more information on the LEDPA selection process, refer to Section 2.2.3.3 in the Draft EIS/SEIR.

The Collaborative thoroughly reviewed and discussed the evaluation matrix at several SOCTIP Collaborative meetings. The Collaborative used the evaluation matrix to screen those alternatives that might qualify as the LEDPA. The Collaborative determined that the shorter alternatives (CC-ALPV and A7C-ALPV) do not provide a substantial improvement in traffic conditions but do result in fewer effects to the natural environment because these alignments crossed areas that were recently developed. The CC Alternative, while providing good traffic relief, entails very substantial adverse impacts on the human and built environment and on social and economic conditions in the affected community because it requires the removal of 763 homes and 106 businesses. The CC Alternative also has adverse impacts to endangered species, habitat loss, and fragmentation and has a high amount of wetland impacts. The full-length alternatives (FEC-M, FEC-W, and A7C-FEC-M) perform well in traffic relief, and minimize impacts on the built environment (because they do not require acquisition of homes or

- AIO Alternative
- I-5 Widening Alternative

Criterion 6: There are unsuitable demographics

- None. (This criterion applies to mass transit alternatives, not highway alternatives)

Criterion 7: There are logistical and technical constraints

- AIO Alternative
- I-5 Widening Alternative

Using the above criteria, FHWA, Caltrans and TCA proposed that the Collaborative consider the Far East Crossover-Modified (FEC-M) (purple); the Far East Crossover-West (FEC-W) (lavender); and the Alignment 7 Corridor-Far East Crossover-Modified (A7C-FEC-M) (green) to be practicable alternatives for further consideration by the Collaborative.

After review and discussion of the joint proposal, the Collaborative agreed that the AIO Alternative and the I-5 Widening Alternative were not practicable due to the absence of available funding. There was also recognition of the severe community disruption that would occur with implementation of the CC Alternative, CC-ALPV Alternative, and A7C-ALPV Alternative. The Collaborative then evaluated whether the above alignments could be further modified to avoid severe community disruption.

The Collaborative agreed that it would consider all factors related to the human and natural environment when identifying a practicable alternative that results in least environmental harm (i.e., the Environmentally Superior Alternative or Preferred Alternative).

On August 10, 2005, the new transportation bill, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) was signed into law. SAFETEA-LU offers States broader ability to use tolling, on a pilot, or demonstration basis, to finance Interstate construction and reconstruction and support congestion reduction. No funding is provided for most of the programs, and they are limited to a small number of pilot and demonstration programs. Given the limited nature of these programs, they do not provide a reasonable alternative mechanism for funding the I-5 alternative or a combination of I-5 and arterial improvements. Thus, SAFETEA-LU, by itself, does not change the conclusion that the I-5 alternative is not practicable due to the absence of available funding.

34.4.3

Relative to the Preferred Alternative, financial analysis has shown that the Foothill-Eastern TCA can maintain sound financial operations while also funding the extension of SR-241 or Foothill-South, and providing a loan to the San Joaquin Hills TCA (see the PFM Group October 13, 2005 memorandum re Analysis of Mitigation and Loan Payments to the San Joaquin Hills Transportation Corridor Agency).

Construction activities associated with implementation of the Preferred Alternative could impact Camp Pendleton San Onofre Recreation Beach. Impacts to recreation uses at San Onofre Recreation Beach would relate mostly to noise, access, and dust during construction. These short-term impacts would not change land uses at San Onofre Recreation Beach or military uses at Green Beach.

The Donna O'Neill Land Conservancy. The Preferred Alternative takes land in The Conservancy. The SOCTIP Collaborative agreed that the beneficial affects of the Preferred Alternative crossing into the western portion of Conservancy outweighed the potential impacts. The benefits include: greater habitat connectivity into eastern Orange County; avoidance of high value aquatic resources including wetlands in the Blind Canyon/Gabino Canyon confluence; keeping in close proximity to neighboring development thereby minimization habitat fragmentation; and minimization of view shed impacts to residents in developed areas of San Clemente, including Talega. The Conservancy would be compensated for this impact. The TCA has initiated discussions with The Conservancy Board of Directors and the landowner to discuss right-of-way acquisition and potential mitigation strategies for impacts to The Conservancy. Mitigation strategies presented to The Conservancy included open space land for additional set-aside areas, either contiguous or non-contiguous to the existing Conservancy, monetary compensation to The Conservancy.

Section 4(f) Resources/Cultural. ~~There are 25 identified cultural resource sites within the Preferred Alternative. Of these, seven have been determined ineligible for the NRHP under any criteria. Fourteen of the identified cultural resource sites have been determined eligible for listing on the NRHP. Of the sites that are eligible for the NRHP, two are eligible under Criterion D only. Ten NRHP eligible sites are elements of the San Mateo Archaeological District (SMAD) and are considered eligible under Criteria A and D. The SMAD is also considered a Traditional Cultural Property by local Native American Groups. Eight of the identified resources have not been formally evaluated, in consultation with the SHPO, for eligibility. The eight unevaluated resources are located within the RMV lands, Conservancy land, adjacent to the Talega Development, and along I 5 in San Diego. Mitigation Measures are provided that will minimize or mitigate impacts to these resources to the extent feasible. In addition, avoidance of these resources within the The Preferred Alternative Study Area have also been investigated, and avoidance avoids has been achieved for the two resources considered the "core" of the San Mateo Archaeological District (SMAD) (CA-ORA-22 and CA-SDI-8435). There will be no impact on continued ceremonial use of the area.~~ Where possible, ground disturbing impacts of the Preferred Alternative were placed on deflating landforms where there is little likelihood of buried components for impacted 4(f) resources.

54.5

Farmland Resources. The Preferred Alternative would not result in the loss of rated farmland as defined by the Natural Resources Conservation Service on RMV. Due to alignment shifts, the Preferred Alternative would affect an additional 1 ha (2.57 ac) of rated agricultural land on MCB Camp Pendleton compared to the A7C-FEC-M-Initial and 1 ha (2.37 ac) more than the A7C-FEC-M-Ultimate. The Preferred Alternative would result in the loss of approximately 63 ha (155 ac) less agricultural preserve land than the A7C-FEC-M-Initial and approximately 65 ha (162 ac) less than the A7C-FEC-M-Ultimate.

RESOLUTION NO. F2006-01

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE FOOTHILL/EASTERN TRANSPORTATION CORRIDOR AGENCY CERTIFYING FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT TCA SEIR 4 FOR THE SOUTH ORANGE COUNTY TRANSPORTATION INFRASTRUCTURE IMPROVEMENT PROJECT PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

February 23, 2006

On motion of Board Member Campbell, duly seconded and carried, the following resolution was adopted:

WHEREAS, the South Orange County Transportation Infrastructure Improvement Project ("SOCTIIP") in the form of the Foothill Transportation Corridor-South has been identified as a needed facility in studies of existing and projected travel demand in Orange County beginning in the early 1970's, and including the 1976 Southeast Orange County Circulation Study; and

WHEREAS, the Multimodal Transportation Study and Refinement Study (1979) evaluated land use and transportation alternatives for Orange County; and

WHEREAS, the Foothill Transportation Corridor-South ("Foothill-South") was added to the Orange County Master Plan of Arterial Highways by the Orange County Board of Supervisors in August, 1981; and

WHEREAS, the County of Orange conducted baseline environmental studies and preliminary engineering analyses for the Foothill Transportation Corridor, and prepared and certified Environmental Impact Report No. 123; and

WHEREAS, the Southern California Association of Governments ("SCAG") and the San Diego Association of Governments ("SANDAG") are the metropolitan planning organizations for Southern California and are responsible for preparing and evaluating regional transportation plans and transportation improvement programs for Southern California; and

WHEREAS, SCAG and SANDAG certified environmental impact reports evaluating the regional transportation plans and alternatives thereto; and

WHEREAS, the SCAG and SANDAG regional transportation plans and the regional transportation improvement programs identify the Foothill-South as a necessary component of the regional transportation system in Southern California; and

WHEREAS, SCAG and SANDAG included the Foothill-South in their respective transportation improvement programs and have certified that the regional transportation plans and transportation improvement programs conform with the requirements of the State Implementation Plan adopted pursuant to the Federal Clean Air Act; and

WHEREAS, the South Coast Air Quality Management District and the California Air Resources Board included the SCAG Regional Transportation Plan as a component of the South Coast Air Quality Management Plan and identified the Foothill South as a Transportation Control Measure in the South Coast Air Quality Management Plan after analyzing regional alternatives for achieving attainment with the National Ambient Air Quality Standards of the Federal Clean Air Act; and

WHEREAS, the Foothill/Eastern Transportation Corridor Agency ("TCA") prepared EIR No. 3 to evaluate the potential environmental effects of the Foothill-South and of alternatives to Foothill-South including the C and BX alignment alternatives for the Foothill-South; and

WHEREAS, the TCA prepared and certified EIR No. 3, including Supplemental EIR No. 3, and selected the modified C alignment as the locally preferred alternative on October 10, 1991, and the modified C alignment was slightly altered, in consultation with the U.S. Fish and Wildlife Service, to minimize impacts to biological resources, and this alignment was called the CP alignment; and

WHEREAS, the California Legislature placed the Foothill Transportation Corridor on the State Highway System and designated it as State Route 241; and

WHEREAS, in 1993 the Federal Highway Administration ("FHWA"), the U.S. Environmental Protection Agency, ("USEPA"), the U.S. Army Corps of Engineers ("ACOE") and the U.S. Fish and Wildlife Service ("USFWS") entered into that certain Memorandum of Understanding (the "NEPA/404 MOU") establishing a new and integrated process for the evaluation of federally-approved transportation projects in Arizona, California and Nevada under the National Environmental Policy Act ("NEPA"), section 404 of the Clean Water Act and the Endangered Species Act; and

WHEREAS, in accordance with the NEPA/404 MOU, the above federal regulatory agencies, the TCA, Caltrans and the United States Marine Corps initiated a process (the "Collaborative") to govern the integrated environmental evaluations of transportation infrastructure improvements in south Orange County to address regional transportation and mobility needs (referred to herein as the "South Orange County Transportation Infrastructure Improvement Project" or "SOCTIIP"); and

WHEREAS, the federal and state agencies agreed on a Purpose and Need Statement regarding the SOCTIIP, developed and analyzed alternatives including several "no build" and other non-toll road alternatives, and conducted, supervised and analyzed technical studies and independently reviewed the Draft Environmental Impact Statement/Subsequent Environmental Impact Report for the SOCTIIP ("Draft EIS/SEIR"); and

WHEREAS, the TCA issued a Notice of Preparation for the Draft EIS/SEIR in June 2001; and

WHEREAS, duly noticed scoping hearings were held on March 26, 2001, March 27, 2001 and March 29, 2001 concerning the Draft EIS/SEIR; and

WHEREAS, TCA held numerous other consultations and meetings concerning the SOCTIP as described in the Final SEIR section ES 6.2 and section 11; and

WHEREAS, the FHWA and TCA distributed the Draft EIS/SEIR for public review on May 7, 2004 through and including August 6, 2004; and

WHEREAS, FHWA and TCA conducted a public hearing on the Draft EIS/SEIR on June 19, 2004; and

WHEREAS, TCA Draft Subsequent EIR 4 was prepared and circulated pursuant to the provisions of the California Environmental Quality Act (CEQA), the State of California CEQA Guidelines, adopted by the California Resources Agency, and the Foothill/Eastern Transportation Corridor Agency CEQA Procedures; and

WHEREAS, written comments were received during and after the public comment period, and a written response was prepared to written comments and to oral comments at the public hearings and meetings, which responses employ a good faith, reasoned analysis to describe and address the disposition of environmental issues raised by the comments; and

WHEREAS, the Final Subsequent Environmental Impact Report 4 ("TCA SEIR 4"), including responses to comments was distributed to commenting agencies and members of the public on December 6, 2005; and

WHEREAS, the TCA Final SEIR 4 as been prepared pursuant to CEQA and to the State of California CEQA Guidelines and includes the following:

1. Draft EIS/SEIR;
2. Draft EIS/SEIR Technical Studies;
3. Comments received on Draft EIS/SEIR;
4. Responses to comments on Draft SEIR;
5. TCA Final SEIR 4;
6. Staff reports of the Transportation Corridor Agency concerning Draft EIS/SEIR and TCA Final SEIR 4;
7. The resolution of the TCA Board of Directors certifying TCA Final SEIR 4;
8. The Environmental Findings, Statement of Facts in Support of Findings, the Statement of Overriding Considerations and the Mitigation Monitoring and Reporting Program; and

WHEREAS, the Foothill/Eastern Transportation Corridor Agency Board of Directors conducted a duly noticed public meeting concerning the certification of TCA Final SEIR 4 and concerning the selection of the locally preferred alternative on January 12, 2006, and heard evidence from all persons interested in testifying concerning the certification of TCA Final SEIR 4 and the selection of the locally Preferred Alternative for the SOCTIIP; and

WHEREAS, in accordance with the NEPA/404 MOU, the U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency issued their preliminary agreement that the Preferred Alternative identified in TCA Final EIR 4 is the least environmentally damaging practicable alternative and the U.S. Fish and Wildlife Service has preliminarily determined that the Preferred Alternative complies with the requirements of the Endangered Species Act; and

WHEREAS, the Foothill/Eastern Transportation Corridor Agency Board of Directors has reviewed and considered TCA Final SEIR 4 and has considered the oral and written comments on the TCA Final SEIR 4 and the responses thereto:

NOW, THEREFORE, the Foothill/Eastern Transportation Corridor Agency Board of Directors resolves as follows that:

1. The foregoing recitals are true and correct.
2. TCA Final SEIR 4 has been completed in compliance with CEQA, the State of California CEQA Guidelines and the Foothill/Eastern Transportation Corridor Agency CEQA procedures and is hereby certified as adequate and complete.
3. TCA Final SEIR 4 reflects the independent judgment and analysis of the Foothill/Eastern Transportation Corridor Agency.
4. The TCA Final SEIR 4 was presented to the Foothill/Eastern Transportation Corridor Agency Board of Directors and the Board of Directors reviewed and considered the information contained in TCA Final SEIR 4 prior to approving the project.
5. If any section, paragraph or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any remaining provisions of this Resolution.

6. This Resolution shall take effect from and after its adoption.

PASSED AND ADOPTED this 23rd of February 2006, by the following vote:

AYES: Ryan, Bone for Amante, Anderson, Bist, Campbell,
Dahl, Galloway, Herzog, MacLean, Murphy, Norby,
Allevato for Swerdlin, Thor, Wilson

NOES: Agran

ABSENT: Amante, Swerdlin

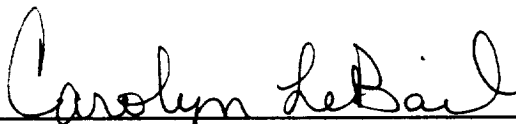


KEN RYAN, CHAIRMAN
FOOTHILL/EASTERN TRANSPORTATION CORRIDOR AGENCY

ATTEST:



ANNITA HENZIE, CLERK OF THE BOARD



CAROLYN LEBAIL, ASSISTANT SECRETARY TO THE BOARD